

Serial No. 10/673,027
60130-1894; 02MRA0144REMARKS

Claims 1-4, 6-15 and 17-26 are rejected under 35 U.S.C. 102(b) as being anticipated by O'Connor et al. O'Connor does not disclose a system that detects an obstruction in a path of an openable vehicle member including an indirect detector that indirectly detects the obstruction and outputs openable member position information to a direct detector that is used to define operating parameters of the direct detector as claimed.

The Examiner states that the claimed invention is anticipated because O'Connor discloses an obstruction system that includes an indirect detector that outputs position information as operating parameters to the direct detector. However, the claimed invention is not directed to this feature. The claimed invention recites that the openable member position information is used to *define* operating parameters of the direct detector and not that the openable member position information is used *as* operating parameters.

O'Connor discloses an obstacle detection system including a non-contact detection system 14 and a contact detection system 100. The non-contact system 14 avoids entrapment of an obstacle, and the contact system 100 only provides a supplemental obstruction detection system when the non-contact system 14 sensitivity is less than optimal (page 23, lines 15-21). Position information is output by the contact system 100, but this information is solely used to add a supplemental detection system.

The Examiner points to page 26 of O'Connor to show that the system has the capacity to adjust. O'Connor discloses that if the contact system 100 establishes that no obstacle is present, the combined system can dynamically adjust to variations in the background-reflected radiation (page 26, second paragraph). If the non-contact system 14 detects returned energy levels outside predetermined norms (usually indicating an obstacle) and the contact system 100 does not register aberrant performance of the closure, the combined system may indicate the absence of an obstacle. The controller may then use the measurements of the non-contact system 14 to adjust the non-contact system 14 parameters. The adjustment occurs if the contact system 100 and the non-contact system 14 receive contrary information. However, the adjustment is not made according to position information of an openable member. The claimed invention is not anticipated.

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Claims 5 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Connor et al. in view of Breed et al. The Examiner admits that Breed does not disclose a light sensor that is a charge coupled device sensor. The Examiner states that Breed discloses a charge coupled device sensor, and it would be obvious to provide a charge coupled device sensor in O'Connor because of Breed. Applicant respectfully disagrees.

The claimed invention is not obvious. Claims 5 and 16 depend on patentable independent claims 1 and 14, respectively, and are allowable for the reasons set forth above. Adding Breed to O'Connor still does not render the claimed invention obvious because neither reference teaches a system that detects an obstruction in a path of an openable vehicle member including an indirect detector that indirectly detects the obstruction and outputs openable member position information to a direct detector that is used to define operating parameters of the direct detector. Therefore, the combination of the references does not disclose, suggest or teach the claimed invention. The claimed invention is not obvious.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited. Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully Submitted,

CARLSON, GASKEY & OLDS, P.C.

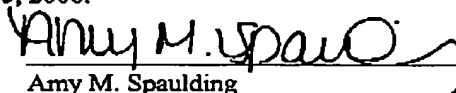


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CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, 571-273-8300 on May 15, 2006.


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